

Attachment 2: Request for Sole Source Memo Format

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval
For
Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs
Network Contracting Office (NCO) 18
Southern Arizona VA Health Care System (SAVAHCS)

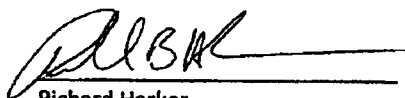
NCO 18 proposes entering into a contract using Other than Full and Open Competition for a preventative maintenance requirement with Becton, Dickinson and Company (BD).

2. **Nature and/or Description of the Action Being Processed:** The NCO 18 Contracting Office proposes a sole source, firm-fixed price contract with Becton, Dickinson and Company, which is the original manufacturer, and sole firm that is capable of servicing, repairing, and supplying replacement parts for the BD Diagnostic equipment.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** This procurement is for the provision of preventative maintenance service on various BD Diagnostic equipment currently in use throughout NCO 18. These units will require ongoing maintenance and support in order to ensure that they remain fully functional and can continue to be used for their intended purposes. The use of these machines directly affects patient care.
4. **Statutory Authority Permitting Other than Full and Open Competition:**
(X) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
() (2) Unusual and Compelling Urgency per FAR 6.302-2;
() (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
() (4) International Agreement per FAR 6.302-4
() (5) Authorized or Required by Statute FAR 6.302-5;
() (6) National Security per FAR 6.302-6;
() (7) Public Interest per FAR 6.302-7;
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** Becton, Dickinson and Company is the original equipment manufacturer (OEM), and sole firm which is capable of servicing, repairing, and supplying replacement parts for the BD Diagnostic equipment utilized by NCO 18. BD has provided a written statement (Attachment 1) confirming that they are the only source certified to perform any maintenance or repair on their equipment.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Two sources sought notices were posted to FedBizOpps for the work associated with this procurement; neither notice received a response from any interested vendor.

No further efforts to solicit potential vendors were made once BD confirmed (via Attachment 1) that they are the only responsible source for the required maintenance, repairs, and parts.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The prices proposed by BD for the preventative maintenance of the diagnostic equipment are in line with those previously paid to BD by NCO 18 for the same or similar work on earlier requirements. This reinforces the assertion that the anticipated cost of this procurement is considered to be fair and reasonable in accordance with (IAW) Federal Acquisition Regulation (FAR) Part 15.404-1(b)(2)(ii). This FAR part states that in order to ensure a fair and reasonable price, a comparison "of the proposed prices to historical prices paid, whether by the Government or other than the Government, for the same or similar items...may be used for commercial items."
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:**
 - The customer indicated that BD is the sole source capable of providing the required preventative maintenance services stated above.
 - Two sources sought notices posted to FedBizOpps received no responses from interested vendors.
 - No SDVOSB/VOSB's listed in VetBiz are able to provide the services.
 - No VA FSS/GSA vendor that is able to provide the services.
 - BD is the only entity found in an internet search that can provide the services.
 - The contractor provided Attachment 1 self-identifies BD as the only source that can provide these services.
 - Vista – Proposed price(s) found to be fair and reasonable compared to previous purchase orders.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** See Attachment 1.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** None
11. **A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:** Not Applicable

12. **Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.



Richard Harker
BioMedical Engineer
SAVAHCS

5/10/13
Date

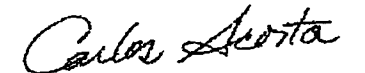


Jeremy Boxdorfer
Supervisory General Engineer
NAVAHCS

5/10/13
Date

13. **Approvals in accordance with FAR 6.304**

- a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.



Carlos Acosta
Contracting Officer
Network Contracting Office 18, SAVAHCs

5/10/2013
Date

- b. **NCM/PCM (Required \$3K and above):** I certify the justification meets requirements for other than full and open competition.



Sabrina Smith
Network Contract Manager 18

6/5/2013
Date